

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

YOHAN WEBB,

Plaintiff,

vs.

BRAD JOHNSON, et al.,

Defendants.

**4:21CV3042**

**MEMORANDUM  
AND ORDER**

This matter is before the court on Plaintiff's second and third motions to compel discovery (Filings 151 and 153). The motions will be denied because Plaintiff has failed to demonstrate that he "has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action," Fed. R. Civ. P. 37(a)(1), or that he has satisfied this court's "personal consultation" requirement, *see* NECivR 7.1(j). Additionally, Plaintiff does not "state the basis for the motion and the specific relief requested," NECivR 7.1(a), has not filed a supporting brief, *see* NECivR 7.1(a)(1)(A), and has not filed copies of discovery materials or an affidavit to provide evidentiary support for the motion, *see* NECivR 7.1(a)(2). In Filing 151, Plaintiff may be requesting an order compelling discovery for a party's failure "to answer an interrogatory submitted under Rule 33," Fed. R. Civ. P. 37(a)(3)(B)(iii), but Plaintiff has not explained why he is entitled to such relief or presented any proof showing that interrogatories were properly served but were not answered in accordance with Rule 33. Consequently, Plaintiff's motion is a nullity. *See* NECivR 7.1 ("Unless this rule states otherwise, a party who does not follow this rule may be considered to have abandoned in whole or in part that party's position on the pending motion."). Finally, to the extent Plaintiff is attempting to serve additional discovery requests upon Defendants, this is not the proper method, *see* NECivR 3.4(a) (discovery requests must not be filed with the court), and, in any event, the discovery deadline expired on March 21, 2022. *See* Filing 87.

IT IS THEREFORE ORDERED that Plaintiff's motions to compel discovery (Filing 151, 153) are denied.

Dated this 27th day of June 2022.

BY THE COURT:



Richard G. Kopf  
Senior United States District Judge